

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of The Ohio)
Bell Telephone Company d/b/a AT&T Ohio)
for Approval of an Alternative Form of)
Regulation of Basic Local Exchange and) Case No. 06-1013-TP-BLS
Other Tier 1 Services Pursuant to Chapter)
4901:1-4, Ohio Administrative Code.)

ENTRY

The attorney examiner finds:

- (1) In accordance with its Entry of September 1, 2006, and its Opinion and Order of December 20, 2006, the Commission granted AT&T Ohio's two motions for a protective order with respect to proprietary information that was filed as part of AT&T Ohio's application in this proceeding.
- (2) In accordance with the attorney examiner's Entry of February 25, 2008, the previously issued protective orders were extended for a period of 18 months.
- (3) Pursuant to its motion of June 25, 2009, AT&T Ohio seeks an extension of the protective orders for an unlimited period of time. In support of its request, AT&T Ohio explains that the relevant information represents confidential business information consisting of competitive local exchange carrier (CLEC) line counts and the count of certain CLEC and wireless carrier presence indicators. AT&T Ohio asserts that the designated information must continue to be protected due to the fact that it constitutes a trade secret pursuant to Section 1333.61(D), Revised Code. AT&T Ohio contends that protection of trade secret information from public disclosure is consistent with the purposes of Title 49, Revised Code, inasmuch as the Commission and its staff have access to the information and, as in this case, the parties may have access under an appropriate protective agreement.

While recognizing that the data in question is no longer the most current information regarding the presence of CLEC and wireless providers and CLEC market share in the AT&T Ohio

exchanges, AT&T submits that the information is not considered by those entities to be transitory.

- (4) On June 30, 2009, and July 1, 2009, AT&T Ohio filed letters from some of the telephone companies whose data is the subject of the protective orders for which an extension is being sought. Specially, letters were filed by Celco Partnership dba Verizon Wireless, MCImetro Access Transmission Services, LLC dba Verizon Access Transmission Services, MCI Communications Services, Inc. dba Verizon Business Services, and Sage Telecom Inc. The letters reflect the individual companies desire to continue to maintain the confidential status of their company-specific data inasmuch as it continues to be a trade secret.
- (5) Based on the arguments presented, the Commission determines that the previously issued protective orders should be extended due to the continued proprietary nature of the relevant information. However, in reaching this decision, the Commission finds that the protective orders should be extended for a period of 18 months, rather than the requested indefinite time frame. In support of this determination, the Commission references the fact that orders prohibiting public disclosure of documents automatically expire 18 months from the date of issuance. Although a party may, pursuant to Rule 4901-1-24, Ohio Administrative Code, seek an extension of a protective order, the requesting entity must demonstrate the need for the specific time frame requested. Due to the fact that AT&T Ohio has failed to establish a specific time frame and, instead, simply requests that the protective orders be extended indefinitely, the extension of the protective orders shall be limited to an additional 18 months.

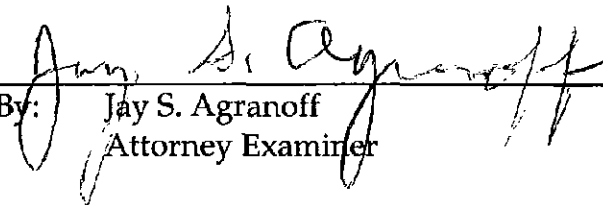
It is, therefore,

ORDERED, That the protective orders shall be extended in accordance with Finding (5). It is, further,

ORDERED, That a copy of this entry be served upon all parties and interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

JRG
JSA:geb

By: _____
Jay S. Agranoff
Attorney Examiner

Entered in the Journal

JUL 22 2009



Renee J. Jenkins
Secretary